

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

ASHLEY R. WETHERELL,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security  
Administration,

Defendant.

CV 23-62-M-KLD

ORDER

Plaintiff Ashley R. Wetherell ("Wetherell"), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees incurred in prosecuting her Social Security appeal. She requests \$2,342.83 in fees.

Defendant Commissioner of Social Security ("Commissioner") has been contacted and does agree to Wetherell's application for fees in this amount.

Accordingly, IT IS ORDERED that Defendant shall pay \$2,342.83 in fees under the Equal Access to Justice Act, 28 U.S.C. §2412.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee

order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office  
P.O. Box 1581  
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney

DATED this 19th day of September, 2023

  
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Kathleen L. DeSoto  
United States Magistrate Judge